

ORDER

U.S. DEPARTMENT OF TRANSPORTATION FEDERAL AVIATION ADMINISTRATION

1600.38D

02/11/02

SUBJ: EMPLOYEE AND OTHER INTERNAL SECURITY INVESTIGATIONS

1. **PURPOSE.** This order prescribes the policy and responsibility for the FAA investigations program. This order implements the requirements set forth in the current editions of Orders DOT 8000.5, Office of the Inspector General Investigative Procedures, and DOT 8000.8, Office of Inspector General Investigative Responsibilities, that impact the FAA.
2. **DISTRIBUTION.** This order is distributed to the division level in Washington headquarters, regions, and centers with a standard distribution to all FAA field offices and facilities.
3. **CANCELLATION.** This revision cancels Order 1600.38C, Employee and Other Internal Security Investigations, dated May 8, 1996.
4. **EXPLANATION OF CHANGES.** This revision:
 - a. Delegates the authority to conduct administrative, civil, and regulatory investigations to the Associate Administrator for Civil Aviation Security (ACS).
 - b. Incorporates the policies and procedures set forth in Order DOT 8000.8 that impact the FAA.
 - c. Revises and expands the definitions.
 - d. Updates and expands the ACS responsibility for the Accountability Board Investigations Program and responsibilities of the Accountability Board Investigations Program Manager (ACS-3) and Director of Civil Aviation Security Operations (ACO-1).
 - e. Adds information regarding investigations conducted in support of the Accountability Board.
 - f. Replaces Appendix 3, Criminal Investigative Material, which contained information no longer applicable to FAA responsibilities with a new Appendix 3, Department of Transportation, Office of Inspector General for Investigations Points of Contact.
 - g. Adds investigative procedures pertaining to referral of criminal investigations to the Office of Inspector General, Department of Transportation (DOT/OIG).

h. Clarifies policy regarding investigations of allegations involving special agents as subjects.

5. **DELEGATION OF AUTHORITY.** The Associate Administrator for Civil Aviation Security is delegated the authority to serve as the designated liaison official between FAA and the DOT/OIG for employee and other internal security investigations.

6. **DEFINITIONS.**

a. **Enforcement Investigative Report (EIR).** Official documentation of a regulatory investigation.

b. **Investigation.** A planned, systematic search for facts and evidence collected through interviews, record examinations, and the application of other approved investigative techniques to substantiate or refute allegations or issues.

c. **Management Officials.** Persons in a position to hire, direct, assign, evaluate, promote, transfer, furlough, layoff, discipline, or remove employees.

d. **Preliminary Inquiry.** A series of logical steps taken to determine the reliability and credibility of information obtained that enables the servicing security element (SSE) manager to determine whether an investigation should be initiated.

e. **Report of Investigation (ROI).** For purposes of this order, the standard FAA format for documenting employee and other internal security investigations completed by a special agent and signed by the SSE manager.

f. **Servicing Security Element (SSE).** The Washington headquarters, region, and center division, or staff having investigative jurisdiction over matters contained in this order. The Investigations Division (ACO-300) in the Office of Civil Aviation Security Operations, the Civil Aviation Security Divisions (AXX-700) in the regions, the Civil Aviation Security Division (AMC-700 at the Aeronautical Center, and the Civil Aviation Security Staff (ACT-8) at the Technical Center performs the investigative function.

g. **Special Agent.** An FAA CAS employee to whom credentials have been issued by ACS-1 which designate the holder as a duly accredited special agent and who conducts, monitors, and coordinates highly sensitive and complex investigations involving civil, administrative, regulatory, safety, and security violations. To accomplish assigned investigations, special agents employ special investigative techniques and methodologies; examine witnesses, records, reports, and other documents; administer oaths or affirmations; collect, receive, and secure items of evidentiary value; and provide expert testimony on behalf of the FAA.

7. **AUTHORITY TO CHANGE THIS ORDER.** The Associate Administrator for Civil Aviation Security, ACS-1, is authorized to issue changes to this order which do not affect policy, delegation of authority, or assignment of responsibilities.

8. **POLICY.** Authorized administrative, civil, and regulatory investigations will be conducted as necessary and appropriate in accordance with provisions of this order, the current edition of Order 1600.20, Civil Aviation Security Investigations Handbook, procedural guidelines issued by ACO-1, and the current edition of Order 1110.125, Accountability Board.

9. **GOVERNING DIRECTIVES.** Administrative, civil, and regulatory investigations are governed by:

- a. Federal Aviation Act of 1958;
- b. Title 14 United States Code (U.S.C.), Aeronautics and Space;
- c. Federal Aviation Reauthorization Act of 1996;
- d. Transportation Safety Act of 1974;
- e. FAA Drug Enforcement Assistance Act of 1988;
- f. Title 5 U.S.C. Section 301;
- g. Title 49 U.S.C. Sections 1155(a), 40113, 44710, 44711, 44901-44936, 46308, 46309-46315, 46501, 46504-46507, 5121, 5122, and 5123, as amended;
- h. Office of Management and Budget Circular A-130, Management of Federal Information Resources;
- i. Title 5 Code of Federal Regulations (CFR) Parts 731, Suitability, and 736, Personnel investigations and the applicable regulatory suitability standards, adopted in their entirety; and
- j. Executive Order 10450, Security Requirements for Government Employment, as amended.

10. **INVESTIGATIVE RESPONSIBILITIES OF ACS.** ACS conducts administrative, civil, and regulatory investigations.

- a. **The Associate Administrator for Civil Aviation Security, ACS-1:**
 - (1) Oversees the investigations program.
 - (2) Ensures issues reported to ACS are evaluated to determine whether they fall within ACS jurisdiction.
 - (3) Ensures issues that are not within the ACS investigative scope are referred to the responsible agencies with jurisdiction over the issue.

(4) Ensures criminal investigations are not conducted by ACS personnel and are referred to the appropriate investigative agency.

(5) Ensures preliminary inquiries and investigations are not initiated for any of the following:

(a) As a substitute for employee counseling or other appropriate personnel management actions.

(b) In matters where sufficient facts are already known and adequately documented to take needed actions.

(c) In matters susceptible to and/or more appropriately dealt with by administrative solutions, i.e., formal inquiry, survey, or audit.

(d) On minor incidents or issues of on-the-job accidents, negligence, incompetence, routine personnel matters, improper supervision, failure to comply with general work regulations, and insubordination, that fall within the category of matters that should normally be handled by the supervisor and frequently can be resolved on-site with minimal inquiry.

(6) Ensures administrative, civil, and regulatory investigations are conducted when appropriate.

(7) Conducts liaison with law enforcement agencies at the international, Federal, State, and local levels.

(8) Conducts liaison with the various offices of the DOT/OIG.

(9) Ensures all requests for access to classified information are in accordance with existing FAA directives.

b. The Director of Civil Aviation Security Operations, ACO-1:

(1) Exercises direct line authority for the FAA investigations program over the regional SSE's.

(2) Ensures preliminary inquiries are initiated, investigations are conducted when appropriate, and makes appropriate law enforcement referrals.

(3) Serves as the FAA focal point at the national level for liaison with Federal and international law enforcement agencies and the DOT/OIG on all matters covered by this order.

(4) Coordinates FAA's efforts to support other law enforcement agencies in the investigations of organized crime, drug trafficking, and criminal violations involving U.S.

registered aircraft and FAA certificated persons under the Drug Investigation Support Program.

c. ACO-300 and SSE managers:

(1) Evaluate information provided to ACS and protect the information from unauthorized disclosure.

(2) Initiate preliminary inquiries and ensure that adequate resources are available to conduct investigations in accordance with this order. This authority may not be further delegated.

(3) Refer investigations or information to DOT/OIG or appropriate law enforcement agencies when required.

(4) Refer matters that fall within the jurisdiction of the Accountability Board Investigations Program to ACS-3 prior to initiation of any investigation.

(5) Assist other FAA offices in their investigations of regulatory and administrative violations to include assistance with interviewing, statement taking, or investigative analysis.

(6) Serve as the official FAA liaison office for the DOT/OIG regional office and refer to the DOT/OIG all information concerning fraud, waste, and abuse and criminal matters that fall within the jurisdictional scope of the DOT/OIG.

(7) Establish and maintain effective liaison and close working relationships with appropriate Federal, State, and local law enforcement and investigative agencies with regard to areas addressed by this order.

d. Accountability Board Investigations Program Manager, ACS-3:

(1) Initiates preliminary inquiries on referrals made in conjunction with Accountability Board matters and conducts other investigations as directed by ACS-1.

(2) Assigns and suspenses referred matters to the appropriate SSE and/or ACO-300.

(3) Serves as the FAA focal point at the national level for liaison with Federal and other investigative agencies on all issues related to requests for investigations on Accountability Board matters.

(4) Serves as the ACS focal point on all issues related to investigations conducted on Accountability Board matters.

e. **CAS Special Agents:**

(1) Conduct administrative, civil, and regulatory investigations and other special inquiries in accordance with current legal standards and the current edition of Order 1600.20.

(2) Receive evidence, examine witnesses, and administer oaths or affirmations at any place within the jurisdiction of the United States.

(3) Obtain relevant facts available to support or refute allegations under investigation.

(4) Consult and coordinate with FAA technical and Office of the Chief Counsel or Regional Counsel or Center Counsel personnel and other elements that may have an interest or responsibility in the investigative process.

(5) Maintain and protect information in accordance with the provisions of the Privacy Act of 1974 and FAA orders governing the safeguarding of information.

(6) Initiate regulatory enforcement action, conduct liaison with Federal, State, and local law enforcement agencies, provide assistance to law enforcement agencies in the interdiction and investigation of aviation-related drug smuggling, and refer matters involving Title 21 U.S.C. drug violations to the appropriate Federal agency.

(7) Serve as technical advisors to law enforcement agencies upon request.

(8) Comply with all FAA labor union agreements.

(9) Perform other duties imposed by law and regulations.

11. **TYPES OF INVESTIGATIONS.** ACS special agents conduct investigations pertaining to administrative, civil, and regulatory matters, and other special inquiries as requested.

a. **Administrative.** The majority of administrative investigations pertain to the hiring and continued employment of FAA personnel. Examples are found in Appendix 1, Administrative Investigative Material.

b. **Accountability Board.** Lines of business (LOB) and staff offices (SO) with matters before the Accountability Board can request an investigation by ACS in accordance with Order 1110.125, Accountability Board. These matters generally involve allegations of harassment and/or discrimination based on race, color, religion, gender, sexual orientation, national origin, age, or disability. ACS also investigates allegations of reprisal for participating in the Accountability Board process. Examples of Accountability Board investigations are contained in appendix 1.

c. **Civil.** Examples of civil matters are claims filed by or against the FAA for the relief or recovery of damages or monies.

d. **Regulatory.** Suspected violations of pertinent sections of Title 49 CFR and Title 14 CFR Parts 107, 108, 109 and 129, are investigated by the SSE. Examples of regulatory investigative matters are found in Appendix 2, Regulatory Investigative Material.

12. REPORTING SUSPECTED VIOLATIONS.

a. **FAA employee responsibilities.** FAA employees will report suspected violations of agency orders, regulations, or laws as described in this order and preserve information and items they possess that may relate to those suspected violations.

(1) **Referral to supervisors.** Employees should first report suspected violations to their immediate supervisor. If the supervisor is suspected of a violation, an employee should report the matter to the next level of supervision or directly to the SSE. Employees are encouraged to write down specific information pertaining to a suspected violation such as the date, time, persons observed, location, or any description which may assist the employee in recalling the information.

(2) **Referral of criminal violations.** Employees should refer suspected criminal violations to the DOT/OIG and their SSE or ACO-300 (see Appendix 3 for DOT/OIG points of contact).

(3) **Referrals of administrative, civil, and regulatory violations.** Employees should report suspected administrative, civil, and regulatory violations directly to their SSE or ACO-300 when:

(a) The next higher level of management is suspected of involvement in a violation.

(b) The employee fears supervisory reprisal.

(c) The employee is concerned that management may not take action upon the reported information.

(d) The employee otherwise feels uncomfortable reporting the matter to the next higher level.

(4) **Use of hotlines.** Employees always have the option of referring information about a suspected violation through the FAA Administrator's Hotline on 202-267-9532, and the DOT Inspector General Hotline on 800-424-9071 or 202-366-1461, or mail to one of the addresses below.

Federal Aviation Administration
ATTN: Administrator's Hotline
800 Independence Avenue SW
Washington, DC 20591

Department of Justice
ATTN: Inspector General Hotline
400 7th Street SW
Washington, DC 20590

(5) **Preservation of evidence.** Employees who become aware of any apparent violation should make every effort to preserve any evidence they possess that may relate to the violation. Employees will not take any actions on their own initiative that may interfere with any investigation. Employees will comply with requests from appropriate officials to preserve and/or release evidence. The SSE and/or the DOT/OIG will normally make such requests.

(6) **Timeliness of reporting/referrals.** Employees will report known or suspected violations to their supervisors or appropriate officials as soon as they become aware of the violation.

b. **FAA management responsibilities.** All FAA managers will:

(1) Provide optimum support to ACS-1 in the execution of FAA's investigations program.

(2) Ensure FAA special agents are granted access to FAA records, information, and witnesses as required.

(3) Report and confirm in writing any wrongdoing, actual or suspected offenses, violations, or irregularities to include any known or suspected violations of criminal law or of regulations governing employee conduct or any matter affecting the national security to the SSE or ACO-300, as appropriate.

(4) Understand their authority to compel employees to cooperate in an official investigation and provide complete and truthful testimony when requested. Failure to cooperate in an investigation could result in discipline up to and including removal.

(5) Provide information to the DOT/OIG and the SSE/ACO-300 on suspected criminal violations emanating from an inspection or investigation on an activity for which the manager has regulatory responsibility.

(6) Coordinate with the SSE/ACO-300 prior to initiating any contact with Federal, State, and local law enforcement or investigative agencies on matters falling within the purview of this order.

(7) Notify the SSE/ACO-300 as soon as possible after being contacted by any Federal, State, and local law enforcement or investigative agencies on matters falling within the purview of this order.

(8) Notify the investigating SSE/ACO-300 in writing whether action if any has been taken and the nature of the action taken in response to the ROI to the extent allowed by law.

(9) Preserve any evidence they or any employee under their supervision may possess that may relate to suspected violations, limit access to the evidence and take no action that may interfere with any investigation.

(10) Consult with the SSE/ACO-300 to determine whether an investigation is warranted.

(11) Ensure no employee, except those issued credentials by ACS-1, identifies himself/herself as a special agent.

13. REQUESTING/INITIATING INVESTIGATIONS.

a. **Requesting authority.** Investigations may be requested by division level management officials or higher authority.

(1) Requests for investigations must be submitted to the SSE/ACO-300 in writing, unless exceptional circumstances exist. Management officials will provide a memorandum that contains all of the information that prompted the request, including the source(s) of the information.

(2) In exceptional circumstances, a request may be submitted orally. Written confirmation of the oral request must be made within 5 work days.

b. **Requests on Accountability Board matters.** Requests for investigations on matters that fall within the scope of the Accountability Board must be submitted in writing to the Accountability Board Coordinator by the appropriate management official. The Accountability Board Coordinator will transmit such request to ACS-3. Requests communicated to the regional SSE's/ACO-300 will be expeditiously shared with the LOB/SO and the Accountability Board staff.

c. **Other means of initiating an investigation.** In addition to formal requests for investigation from management officials, SSE's/ACO-300 receive information through other means. When the information concerns suspected violations that fall within the jurisdiction of ACS, an investigation may be initiated. Other means of receiving information may include, but are not limited to, the following:

(1) Employees who choose not to go through their management officials due to fear of retribution or suspected management involvement.

(2) Various Department or FAA hotlines.

(3) Other Government agencies.

(4) Law enforcement agencies.

14. INVESTIGATIVE PRIORITY. Aviation safety/security related matters will receive investigative priority. Matters that fall within the jurisdiction of the Accountability Board will receive investigative priority after aviation safety/security related matters.

15. INVESTIGATIVE PROCEDURES.

a. Evaluation of requests/information.

(1) SSE's/ACO-300 will evaluate all information to determine whether the matter falls within ACS jurisdiction and to assess its priority.

(2) ACS-3 will evaluate all information transmitted by the Accountability Board Coordinator or directly provided by the LOB/SO pertaining to matters within the scope of the current edition of Order 1110.125, Accountability Board.

(3) When there is doubt regarding jurisdiction, the matter will be referred to personnel in the Office of the Chief Counsel or appropriate Regional Counsel or Center Counsel for a determination.

b. **Technical review and assistance.** ACS-3 or the SSE manager, as appropriate, will ensure that the investigation has a defined objective and scope. The SSE will consult with other FAA elements as needed in order to obtain their technical assistance and to ensure that all of the facts and evidence needed to support or refute the allegation(s) are obtained during the course of the investigation.

c. **Declination of request.** If a request contains insufficient information, ACO-300 or the SSE, as appropriate, may decline the request or initiate a preliminary inquiry to clarify jurisdiction or better ascertain whether an investigation is warranted. When a request is declined, the SSE will provide written notification to the requesting official identifying the basis for the declination.

d. **Joint/Monitor Investigations.** Joint investigations may be initiated when there is overlapping jurisdiction and/or when additional resources would assist in the investigative work to be accomplished. In situations where overlapping jurisdiction exists and the SSE determines that it is not possible to assign the investigation in a timely fashion or that the investigation could be more expeditiously handled by the other agency, the SSE may refer the investigation to the other agency. If the case is accepted by the other agency, the SSE will open a monitor investigation.

e. **Referrals to other agencies.** When information is received regarding a suspected violation that is outside FAA jurisdiction, the information will be referred in writing to the appropriate agency. Referrals to the DOT/OIG in accordance with paragraph 6 of Order DOT 8000.8, will include notification that ACS will proceed with an administrative investigation unless otherwise requested in writing by the appropriate DOT/OIG Special Agent In Charge. If an FAA management official provided the information, the SSE will advise the official of the referral. If information referred to the DOT/OIG is declined and additional facts are discovered that may impact the DOT/OIG's decision, a new referral may be required.

f. **Parallel proceedings.** Specific matters investigated by the FAA often have safety implications requiring expeditious administrative, civil, or regulatory action. Some of these

matters may also involve criminal violations that require the SSE/ACO-300 to advise the DOT/OIG of any administrative or enforcement matters that ACS intends to pursue. The DOT/OIG may request that the FAA hold any administrative, civil, or regulatory action in abeyance pending criminal proceedings. Refer to the current edition of Order 1600.20, Civil Aviation Security Investigations Handbook, for specific procedures relevant to parallel proceedings.

g. Protection of information. Any information received by ACS concerning any wrongdoing, irregularities, and/or suspected violations and the source(s) of the information will be considered at a minimum "For Official Use Only" and will only be disseminated on a need-to-know basis or as provided for by law.

16. FAA SPECIAL AGENTS AS SUBJECTS OF INVESTIGATION. When allegations of wrongdoing that fall within ACS jurisdiction involve ACS special agents, the following procedures apply:

a. Region/Center Special Agents. An investigation involving a special agent who is assigned to a region or center will be conducted by investigator(s) from a different region/center or ACO-300, as appropriate. The investigation may be conducted by an investigator from the same region or center at the discretion of ACO-300 provided that impartiality can be maintained and no conflict of interest exists. If the allegation falls within the jurisdiction of the current edition of Order 1110.125, an investigator appointed by ACS-3 will conduct the investigation.

b. Washington Headquarters Special Agents. An investigation involving a special agent who is assigned to headquarters will be conducted by regional investigator(s) or referred to an outside investigative agency as appropriate. If the allegation falls within the jurisdiction of the current edition of Order 1110.125, an investigator appointed by ACS-3 will conduct the investigation.

17. SENIOR MANAGEMENT OFFICIALS AS SUBJECTS OF INVESTIGATION. When allegations of wrongdoing that fall within ACS jurisdiction involve senior management officials, the following procedures apply:

a. ACS-1 will be notified through ACO-1 and a determination will be made as to who will conduct the investigation.

b. Where ACS involvement may create an appearance of a conflict of interest, alternative investigative arrangements will be made.

c. The Administrator, AOA-1, will be notified whenever either of the circumstances identified in paragraphs 16a or 16b of this order applies.

d. ACS-1 will promptly advise the Deputy Inspector General for Investigations (JI-2) when employee investigations may involve SES personnel.

18. PREPARATION AND DISTRIBUTION OF REPORTS OF INVESTIGATION (ROI).

a. **Preparation.** An ROI will be prepared in accordance with the current edition of Order 1600.20, Civil Aviation Security Investigations Handbook, to reflect the results of all investigations initiated pursuant to this order. All ROI's will be considered at a minimum, "For Official Use Only," unless otherwise specified in the current edition of Order 1600.2, Safeguarding Controls and Procedures for Classified National Security Information and Sensitive Unclassified Information. For administrative investigations, the ROI will be prepared so that it may be used in its entirety in support of a proposed disciplinary or adverse action.

b. **Distribution.**

(1) The original ROI will be retained by the investigating SSE/ACO-300.

(2) For ROI's that fall within ACS jurisdiction, a copy of the ROI will be provided to the requesting office or the office with jurisdiction, other concerned offices, and upon request to ACO-300.

(3) For ROI's that relate to Accountability Board matters, a copy of the ROI will be provided to the LOB/SO initiating the request or the office with jurisdiction, the regional/center/Washington headquarters Human Resource point of contact, and ACS-3.

(4) ROI's containing suitability issues in which contractor employees are the subjects will not be distributed outside of ACS. When an ROI involves a contractor employee as a subject, the SSE will notify the contracting office, real estate contracting office, or logistics division in writing of the adjudicative determination in accordance with the current edition of Order 1600.72, Contractor and Industrial Security Program.

(5) No further reproduction of any ROI is authorized.

(6) Excluding ACS-3 and ACO-300, all offices will return the distributed copies to the SSE/ACO-300 when no longer needed.

c. **Record of third-party disclosures.** The ROI is maintained in FAA files as a part of the FAA Investigative Record System. The Privacy Act requires that individuals whose names are indexed in a system of records must be provided with information pertaining to third party disclosures. All FAA employees who read an ROI will comply with the instructions on the back of the front report cover, FAA Form 1600-12, Report of Investigation.

19. PREPARATION AND DISTRIBUTION OF ENFORCEMENT INVESTIGATIVE REPORTS (EIR). Regulatory investigations conducted by the SSE will be documented using the EIR format in accordance with the current edition of Order 2150.3, Compliance and Enforcement Program.

20. RELEASE OF INVESTIGATIVE INFORMATION.

a. **Privacy Act.** Investigative information about individuals may be released or withheld from disclosure only as permitted under the provisions of the Privacy Act, as specified in the current edition of Order 1280.1, Protecting Privacy of Information About Individuals.

b. **Freedom of Information Act (FOIA).** The Freedom of Information Act generally makes Government records available to the public. However, certain investigative records that are compiled for civil or criminal enforcement purposes or that contain personal information about individuals may be withheld from disclosure under 5 U.S.C. 552(b)(6) and (b)(7). Other FOIA exemptions as prescribed in Order 1270.1, Freedom of Information Act Program, may apply to certain investigatory materials. SSE's should seek assistance from personnel in the Office of the Chief Counsel or Regional Counsel or Center Counsel regarding the applicability of FOIA exemptions.

c. **Media Inquiries.** Media inquiries concerning investigations covered by this order will be referred to the FAA Office of Public Affairs. Releases will be coordinated with the investigating SSE and the appropriate management official(s). Information covered by the Privacy Act, Freedom of Information Act, or pertaining to an ongoing investigation will not be released.

d. **DOT/OIG access to ACS records.** ACS-1 will ensure all records, reports, audits, documents, and recommendations are made available to the DOT/OIG upon request.

21 – 199. **RESERVED.**



Jane F. Garvey
Administrator

APPENDIX 1. ADMINISTRATIVE INVESTIGATIVE MATERIAL

This is a partial list of the areas for which administrative investigations are conducted. Paragraph 11 of this order contains guidance on administrative investigations.

1. Background Investigations.

a. The Office of Personnel Management (OPM) conducts background investigations on persons who are newly hired/applying for FAA employment. The extent of an investigation, and whether it is conducted before or after hire, depends on the position involved. OPM also conducts background investigations under other circumstances, such as when an employee needs a higher level investigation in order to be granted a security clearance or to be placed in a position with a higher risk or sensitivity level.

b. Persons in high-risk positions and positions involving access to classified information must be re-investigated every 5 years. The current edition of Order 1600.1, Personnel Security Program, contains the background investigation requirements and procedures.

c. OPM conducts background investigations on certain FAA contractor employees and applicants for contractor employment. The current edition of Order 1600.72, Contractor and Industrial Security Program, contains the investigative requirements and the current edition of Order 1600.73, Contractor and Industrial Security Program Operating Procedures, contains the implementation procedures SSE's use to determine the suitability of contractor employees for employment under an FAA contract or agreement.

d. The Defense Security Service conducts background investigations on those consultants and contractor employees who require security clearances for access to classified information. These investigations are governed by Department of Defense Directive 5220.22-M, National Industrial Security Program Operating Manual. SSE's do not generally have a role in these investigations.

e. ACS often conducts supplemental investigations to follow up on information that OPM has obtained and reported to FAA concerning FAA employees and contractors. These investigations are conducted in accordance with Title 5 U.S.C. Orders 1600.1 and 1600.72 specify when SSE's will conduct these investigations.

2. Employee Investigations. Individuals employed by the FAA are required to conduct themselves at work and off duty in a manner that is consistent with Federal, State, and local laws and agency regulations. Information obtained by ACS that indicates these requirements are not being met may subject the employee to investigation in accordance with the current edition of Order 1600.1 and the current standards of conduct. Additionally, ACS conducts employee investigations that include allegations of sexual harassment or misconduct of a sexual nature and incidents of verbal, written, graphic, or physical harassment and other misconduct that create, or that may reasonably be expected to create, an intimidating, hostile, or offensive work environment based on race, color, religion, gender, sexual orientation,

national origin, age, or disability. These investigations are conducted in accordance with the current edition of Order 1110.125, Accountability Board.

3. Designated Representative Investigations. Non-FAA employees designated by the various FAA offices may be investigated regarding their continued suitability or qualifications to carry out responsibilities delegated to them. The Office of Aerospace Medicine, the Flight Standards Service, and other offices having the authority to allow non-FAA persons to carry out some FAA tasks in their respective fields, may request these investigations.

APPENDIX 2. REGULATORY INVESTIGATIVE MATERIAL

Regulatory investigations involve alleged violations of Titles 14 and 49 of the Code of Federal Regulations (CFR). The following are the most common areas addressed by the SSE in the conduct of regulatory investigations and are not meant to be all-inclusive. The DOT/OIG will have investigative responsibility over criminal violations provided for in any of these Titles. Paragraph 11 of this order contains guidance on regulatory investigations.

1. Airmen. The Office of Aerospace Medicine and other sources often refer allegations of drug or alcohol abuse by airmen to the SSE to determine if any violation exists and/or other action(s) is/are warranted.
2. Aircraft. The following are examples of some of the potential violations that may be brought to the attention of ACS when found by Federal, State, or local agencies.
 - a. Aircraft registration irregularities.
 - b. Unapproved aircraft fuel system.
3. Title 49 CFR. The SSE's are specifically responsible for regulations pertaining to the carriage or transport of drugs aboard aircraft and drug-related convictions of airmen. The Administrator has the authority to revoke the airman certificate of any person upon conviction of a crime punishable by death or imprisonment for a term exceeding 1 year relating to a controlled substance.

APPENDIX 3. DEPARTMENT OF TRANSPORTATION, OFFICE OF INSPECTOR GENERAL FOR INVESTIGATIONS POINTS OF CONTACT

1. Headquarters points of contact:

a. Deputy Assistant Inspector General for Investigations (JI-2)

Office of Inspector General
U.S. Department of Transportation
400 7th Street, SW, Room 9210
Washington, DC 20590
Voice: 202-366-1967
Facsimile: 202-366-3912

b. Special Agent-in-Charge of Field Operations (JI-4)

Office of Inspector General
U.S. Department of Transportation
400 7th Street, SW, Room 9200
Washington, DC 20590
Voice: 202-366-2515
Facsimile: 202-493-2815

2. Regional points of contact:

a. Special Agent-in-Charge Region 1 (JRI-1)

Office of Inspector General
U.S. Department of Transportation
400 7th Street, SW, Room 7324
Washington, DC 20590
Voice: 202-366-0681
Facsimile: 202-366-7749

Delaware	Maryland	Virginia
District of Columbia	Pennsylvania	West Virginia

b. Special Agent-in-Charge Region 2 (JRI-2)

Office of Inspector General
U.S. Department of Transportation
26 Federal Plaza, Room 3134
New York, NY 10278
Voice: 212-264-8700
Facsimile: 212-264-7310

Connecticut	Massachusetts	New Jersey	Rhode Island
Maine	New Hampshire	New York	Vermont

c. Special Agent-in-Charge Region 4 (JRI-4)

Office of Inspector General
U.S. Department of Transportation
61 Forsyth Street, SW, Suite 17T60
Atlanta, GA 30303-3104
Voice: 404-562-3850
Facsimile: 404-562-3855

Alabama	Louisiana	Oklahoma	Texas
Arkansas	Mississippi	Puerto Rico	Virgin Islands
Florida	New Mexico	South Carolina	
Georgia	North Carolina	Tennessee	

d. Special Agent-in-Charge Region 5 (JRI-5)

Office of Inspector General
U.S. Department of Transportation
111 N. Canal Street, Room 677
Chicago, IL 60606
Voice: 312-353-0106
Facsimile: 312-353-7032

Colorado	Iowa	Michigan	North Dakota	Missouri
Illinois	Kansas	Minnesota	Ohio	Wisconsin
Indiana	Kentucky	Nebraska	South Dakota	Wyoming

e. Special Agent-in-Charge Region 9 (JRI-9)

Office of Inspector General
U.S. Department of Transportation
201 Mission Street, Suite 2310
San Francisco, CA 94105
Voice: 415-744-3090
Facsimile: 415-744-2510

Alaska	Hawaii	Nevada	Washington
Arizona	Idaho	Oregon	
California	Montana	Utah	